

AO 91 (Rev. 11/11) Criminal Complaint

SEALED**FILED**

UNITED STATES DISTRICT COURT

for the

Western District of Texas

United States of America

v.

DAVID JOHN ONEAL

Defendant(s)

Case No. 5:20-MJ-301

FEB 21 2020
CLERK, U.S. DISTRICT COURT
WESTERN DISTRICT OF TEXAS
BY VS DEPUTY CLERK**CRIMINAL COMPLAINT**

I, the complainant in this case, state that the following is true to the best of my knowledge and belief.

On or about the date(s) of May 22, 2018 (CT1) & June 14, 2018 (CT 2) in the county of BEXAR in the
WESTERN District of TEXAS, the defendant(s) violated:

<i>Code Section</i>	<i>Offense Description</i>
18 USC 1341	CT 1: Mail Fraud
18 USC 1343	CT 2: Wire Fraud
Penalties for CT1 and CT2: Max 20 years imprisonment, \$250,000 fine, 3 years supervised release, \$100 mandatory assessment.	

This criminal complaint is based on these facts:

See Attached Affidavit

☒ Continued on the attached sheet.


Complainant's signature
SA John A. Cain, USSS, SA
Printed name and title

☒ Sworn to before me and signed in my presence.
☐ Sworn to telephonically and signed electronically.

Date:

2/21/2020City and state: SAN ANTONIO, TX


Judge's signature
HENRY J. BEMPORAD, U.S. MAGISTRATE JUDGE
Printed name and title

FILED
FEB 21 2020
CLERK U.S. DISTRICT COURT
WESTERN DISTRICT OF TEXAS
DEPUTY CLERK

[Handwritten signature]

[Handwritten signature]

02/21/20

X

SEALED

AFFIDAVIT IN SUPPORT OF A CRIMINAL COMPLAINT

I, John A. Cain, being duly sworn do hereby depose and state that I am a Special Agent with the United States Secret Service (USSS) assigned to the San Antonio Field Office. I have been a Special Agent of the USSS since April 2002. I have been a law enforcement officer for approximately eighteen years. As a Special Agent of the United States Secret Service, I received extensive training on conducting investigations on violations of Federal law at the Federal Law Enforcement Training Center and the Secret Service James J. Rowley Training Center. I am assigned to the Secret Service South Texas Regional Task Force (STRTF) with the objective to aggressively identify and investigate financial and electronic state and federal criminal violations in the Western District of Texas.

The statements contained in this affidavit are based on my personal knowledge or from information that I have received during the course of his investigation, including information from financial institutions, witnesses, and others participating in the investigation. This affidavit does not purport to set forth all of my knowledge or investigation concerning this case.

The United States Secret Service, is presently investigating the activities of David J. Oneal, whom I have probable cause to believe has knowingly executed a scheme to defraud SeaWorld, located in the Western District of Texas in violation of Title 18 United States Code, Sections 1341 (Mail Fraud) and 1343 (Wire Fraud).

The facts known to me establishing probable cause to believe Oneal committed mail and wire fraud are as follows:

On 08-15-2018, the Secret Service, San Antonio Field Office, received notification from the Bexar County District Attorney's office, advising of a potential fraud scheme complaint against David Oneal from SeaWorld of Texas (SeaWorld), based in San Antonio, Texas.

Senior Special Agent (SSA) John Cain, United States Secret Service began to investigate this complaint and spoke with representatives of SeaWorld including the Vice President of Operations. According to those representatives, in April of 2018, SeaWorld reached out to Oneal and his company, Wildly Creative Marketing to provide a light show with the use of radio-controlled drones. Oneal advertised on the webpage for Wildly Creative Marketing that he could provide drone shows for interested organizations. Prior to agreeing to hire Oneal, SeaWorld requested several items of information from Oneal including, among other things, proof of insurance, Federal Aviation Administration ("FAA") waivers for operations of the drones, and the names and information of the drone pilots.

On or about May 18, 2018, Oneal emailed to SeaWorld representatives a document purporting to be a certificate of liability insurance from HISCOX Insurance Company, Inc. ("HISCOX"), which is an authorized insurer in California. Federal Agents obtained this

SEALED

certificate of liability insurance from SeaWorld and questioned HISCOX whether the certificate was valid. On December 18, 2019, HISCOX, through counsel, informed federal agents that the certificate of liability insurance sent by Oneal to SeaWorld was fraudulent, not valid, and had been altered in several respects.

On or about May 18, 2018, Oneal also emailed to representatives of SeaWorld the names of the two purported drone flight pilots, their pilot licenses, and Certificates of Waiver or Authorization issued by the Federal Aviation Administration (FAA) for those pilots to operate drones. Federal agents have contacted and interviewed both of the named pilots. Both pilots stated they knew Oneal and had worked with him in the past. However, both pilots stated that they had not been asked or agreed to conduct a drone show for SeaWorld. Both pilots stated that they would never work with Oneal again due to bad business relationships from prior events.

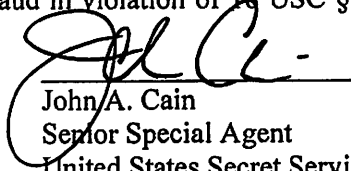
Federal agents also interviewed representatives of the FAA. Those representatives examined the FAA waivers provided by Oneal to SeaWorld. FAA representatives affirmatively stated that some of those waivers were fraudulent and had been altered from expired valid waivers.

According to interviews with SeaWorld representatives, the FAA waivers, identity of the pilots (and the fact there were pilots willing to conduct the show) and certificate of liability insurance were all important and material in their decision to hire and pay Oneal to conduct the SeaWorld drone show. Further, SeaWorld relied upon the documents and representations made by Oneal in making the decision to hire Oneal and Wildly Creative Marketing to conduct a drone show at SeaWorld in San Antonio, Texas.

Based upon the representations made by Oneal, on May 22, 2018, SeaWorld caused a check to be sent to Oneal for \$26,160 through a commercial interstate carrier (Federal Express). That check was cleared on May 25, 2018 and deposited into bank account controlled by Oneal. On June 14, 2018, SeaWorld sent Oneal a second payment of \$18,980 through a wire transfer from a SeaWorld bank account to a bank account controlled by Oneal. Oneal failed to perform the drone show and has failed to return any of the money paid by SeaWorld.

SeaWorld representatives stated that SeaWorld would not have paid Oneal if they had known the FAA waivers and certificate of insurance were fraudulent and the pilots had never agreed to conduct the drone show.

Your affiant believes that the foregoing facts show probable cause that Oneal committed felony violations of mail and wire fraud in violation of 18 USC §§ 1341 and 1343.


John A. Cain
Senior Special Agent
United States Secret Service
San Antonio Field Office

SEALED

Sworn and subscribed before the undersigned this 21st the day of February,
2020 at San Antonio, Texas.


HON. HENRY J. BEMPORAD
United States Magistrate Judge